

799 DEFINITIONS

799.1 The meanings ascribed to the definitions and abbreviations appearing in §199 of Chapter 1 shall apply to the terms and abbreviations in this chapter. In addition the following terms shall have the meanings ascribed:

ACP Agreement - the document signed by the District of Columbia which includes the conditions and requirements of the ACP, and which allows manufacturers to sell ACP products in District of Columbia pursuant to the requirements of this regulation.

ACP Emissions - the sum of the VOC emissions from every ACP product subject to an ACP Agreement approving an ACP, during the compliance period specified in the ACP agreement, expressed to the nearest pound of VOC and calculated according to the following equation:

$$ACP\ Emissions = (Emissions)_1 + (Emissions)_2 + \dots + (Emissions)_N$$

$$Emissions = \frac{(VOC\ Content) \times (Enforceable\ Sales)}{100}$$

where,

For all products except for charcoal lighter material products:

$$VOC\ Content = \frac{((B - C) \times 100)}{A}$$

A = net weight of unit (excluding container and packaging)

B = total weight of all VOCs per unit, as defined in this section

C = total weight of all exempted VOCs per unit, as specified in subsection 719.12

For charcoal lighter material products only:

$$VOC\ Content = \frac{(Certified\ Emissions \times 100)}{Certified\ Use\ Rate}$$

Certified

Emissions = the emissions level for products approved by the District of Columbia under subsection 719.6, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound CH₂ per start.

Certified

Use Rate = the usage level for products approved by the District of Columbia under subsection 719.6, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification

Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

ACP Limit - the maximum allowable ACP Emissions during the compliance period specified in an ACP Agreement approving an ACP, expressed to the nearest pound of VOC and calculated according to the following equation:

$$ACP\ Limit = (Limit)_1 + (Limit)_2 + \dots + (Limit)_N$$

where,

$$Limit = \frac{(ACP\ Standard) \times (Enforceable\ Sales)}{100}$$

Enforceable Sales = the total amount of an ACP product sold for use in District of Columbia, during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records (expressed to the nearest pound, excluding container and packaging).

ACP Standard = either the ACP product's Pre-ACP VOC Content, or the applicable VOC standard specified in subsection 719.2, whichever is the lesser of the two.

Pre-ACP VOC Content = the lowest VOC content which the ACP product had between January 1, 1990 and the date on which the application for a proposed ACP is submitted to the District of Columbia, based on either the data on the product obtained from the March 12, 1991 CARB Consumer Products Survey, or other accurate records available to the District of Columbia, whichever yields the lowest VOC content for the product.

1,2,...N = each product in an ACP up to the maximum N.

ACP Product - any "consumer product" subject to the VOC standards specified in subsection 719.2, except those products that have been exempted under subsection 719.12, or exempted as Innovative Products under subsection 719.13.

ACP Reformulation or ACP Reformulated - the process of reducing the VOC content of an ACP product, within the period that an ACP is in effect, to a level which is less than the current VOC content of the product.

ACP Standard - either the ACP product's Pre-ACP VOC content or the applicable VOC standard specified in subsection 719.2, whichever is the lesser of the two.

ACP VOC Standard - the maximum allowable VOC content for an ACP product, determined as follows:

(a) the applicable VOC Standard specified in subsection 719.2, for all ACP products except for charcoal lighter material;

(b) for charcoal lighter material products only, the VOC Standard for the purposes of this regulation shall be calculated according to the following equation:

$$\text{VOC Standard} = \frac{(0.020 \text{ pound } CH_2 \text{ per start } \times 100)}{\text{Certified Use Rate}}$$

where,

0.020 = the certification emissions level for the District of Columbia-approved product, as specified in subsection 719.6.

Certified Use Rate = the usage level for products approved by the District of Columbia under subsection 719.6, as determined pursuant to South Coast Air Quality Management District Rule 1174 Ignition Method Compliance Certification Protocol (Feb. 27, 1991), expressed to the nearest 0.001 pound certified product used per start.

Adhesive - any product that is used to bond two (2) surfaces together other than by mechanical means. This term does not include products used on humans and animals, adhesive tape, contact paper, wallpaper, shelf liners, or any other product with an adhesive incorporated onto or in an inert substrate. For “Contact Adhesive,” “Construction, Panel, and Floor Covering Adhesive,” and “General Purpose Adhesive” only, this term also does not include units of product, less packaging, which consist of more than one (1) gallon. This limitation does not apply to aerosol adhesives.

Adhesive Remover - a product designed exclusively for the removal of adhesives, caulk and other bonding materials from either a specific substrate or a variety of substrates.

Aerosol Adhesive - an aerosol product in which the spray mechanism is permanently housed in a nonrefillable can designed for hand-held application without the need for ancillary hoses or spray equipment.

Aerosol Coating Product - a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

Aerosol Cooking Spray - any aerosol product designed either to reduce sticking on cooking and baking surfaces or to be applied on food, or both.

Aerosol Product - a pressurized spray system that dispenses product ingredients by means of a propellant or mechanically induced force.
This term does not include pump sprays.

Agricultural Use - the use of any pesticide or method or device for the control of pests in connection with the commercial production, storage or processing of any animal or plant crop. This term does not include the sale or use of pesticides in properly labeled packages or containers which are intended for home use, use in structural pest control, industrial use, or institutional use. For the purposes of this definition only:

- (a) *Home use* - use in a household or its immediate environment;
- (b) *Structural pest control* - a use requiring a license under the applicable District of Columbia pesticide licensing requirement;
- (c) *Industrial use* - use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites; and
- (d) *Institutional use* - use within the lines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

Air Freshener - any consumer product including, but not limited to, sprays, wicks, powders, and crystals, designed for the purpose of masking odors, or freshening, cleaning, scenting, or deodorizing the air. This term does not include products that are used on the human body, products that function primarily as cleaning products, disinfectant products claiming to deodorize by killing germs on surfaces, or institutional/industrial disinfectants when offered for sale solely through institutional and industrial channels of distribution. This term does include spray disinfectants and other products that are expressly represented for use as air fresheners, except institutional and industrial disinfectants when offered for sale through institutional and industrial channels of distribution. To determine whether a product is an air freshener, all verbal and visual representations regarding product use on the label or packaging and in the product's literature and advertising may be considered. The presence of, and representations about, a product's fragrance and ability to deodorize (resulting from surface application) shall not constitute a claim of air freshening.

Airless cleaning system - a solvent cleaning machine that is automatically operated and seals at a differential pressure of 0.50 pounds per square inch gauge (psig) or less, prior to the introduction of solvent or solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

Airless spray - a spray coating method in which the coating is atomized by forcing it through a small nozzle opening at high pressure. The coating is not mixed with air before exiting from the nozzle opening.

Air-tight cleaning system - a solvent cleaning machine that is automatically operated and seals at a differential pressure no greater than 0.50 psig, prior to the introduction of solvent or solvent vapor into the cleaning chamber and during all cleaning and drying cycles.

All Other Carbon-Containing Compounds - all other compounds which contain at least one (1) carbon atom and are not a "Table B" compound or a "LVP-VOC."

All Other Forms - all consumer product forms for which no form-specific VOC standard is specified. This term includes, but is not limited to, solids, liquids, wicks, powders, crystals, and cloth or paper wipes (towelettes).

Alternative Control Plan or ACP - any emissions averaging program approved by the District of Columbia pursuant to the provisions of this regulation.

Antenna Coating - a coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

Antifouling Coating - a coating labeled formulated for application to submerged stationary

structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the U.S. EPA under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Section 136 et. seq.) and with the (appropriate stat or local agency).

Antimicrobial Hand or Body Cleaner or Soap - a cleaner or soap that is designed to reduce the level of microorganisms on the skin through germicidal activity. This term includes, but is not limited to, anti-microbial hand or body washes/cleaners, food-handler hand washes, healthcare personnel hand washes, pre-operative skin preparations, and surgical scrubs. This term does not include prescription drug products, antiperspirants, "Astringent/Toner," deodorant, "Facial Cleaner or Soap," "General-use Hand or Body Cleaner or Soap," "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap," "Medicated Astringent/Medicated Toner," and "Rubbing Alcohol."

Antiperspirant - any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to reduce perspiration in the human axilla by at least twenty (20) percent in at least fifty (50) percent of a target population.

Antique motor vehicle - a motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year that has been maintained in or restored to a condition that is substantially in conformance with manufacturer specifications.

Appurtenance - any accessory to a stationary structure coated at the site of installation, whether installed or detached. This term includes, but is not limited to, bathroom and kitchen fixtures, cabinets, concrete forms, doors, elevators, fences, hand railings, lampposts, partitions pipes and piping systems, rain gutters and downspouts, stairways, fixed ladders, catwalks and fire escapes, window screens, air conditioning equipment, heating equipment, and other fixed mechanical equipment or stationary tools.

Architectural Coating - a coating to be applied to stationary structures at the site of installation, to appurtenances at the site of installation, to portable buildings at the site of installation, or to pavements or curbs. This term does not include coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles. This term does not include adhesives.

ASTM - the American Society for Testing and Materials.

Astringent/Toner - any product not regulated as a drug by the United States Food and Drug Administration (FDA) which is applied to the skin for the purpose of cleaning or tightening pores. This term also includes clarifiers and substrate-impregnated products. This term does not include any hand, face, or body cleaner or soap product, "Medicated Astringent/Medicated Toner," cold cream, lotion, or antiperspirant.

Automotive Brake Cleaner - a cleaning product designed to remove oil, grease, brake fluid, brake pad material or dirt from motor vehicle brake mechanisms.

Automotive elastomeric coating - a coating designed for application over surfaces of flexible mobile equipment and mobile equipment components, such as elastomeric bumpers.

Automotive Hard Paste Wax - an automotive wax or polish which is designed to protect and improve the appearance of automotive paint surfaces, is a solid at room temperature, and contains zero (0) percent water by formulation.

Automotive impact-resistant coating - a coating designed to resist chipping caused by road debris.

Automotive Instant Detailer - a product designed for use in a pump spray that is applied to the painted surface of automobiles and wiped off prior to the product being allowed to dry.

Automotive jamming clearcoat - a fast-drying, ready-to-spray clearcoat applied to surfaces such as door jambs and trunk and hood edges to allow for quick closure.

Automotive lacquer - a thermoplastic coating applied directly to bare metal surfaces of mobile equipment and mobile equipment components which dries primarily by solvent evaporation, and which is resolvable in its original solvent.

Automotive low-gloss coating - a coating that exhibits a gloss reading less than or equal to twenty-five (25) on a sixty (60) degree glossmeter.

Automotive multi-colored topcoat - a topcoat that exhibits more than one (1) color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles.

Automotive pretreatment - a primer that contains a minimum of 0.5% acid, by weight, that is applied directly to bare metal surfaces of mobile equipment and mobile equipment components to provide corrosion resistance and to promote adhesion of subsequent coatings.

Automotive primer-sealer - a coating applied to mobile equipment and mobile equipment components prior to the application of a topcoat for the purpose of providing corrosion resistance, promoting adhesion of subsequent coatings, promoting color uniformity, and promoting the ability of the undercoat to resist penetration by the topcoat.

Automotive primer-surfacer - a coating applied to mobile equipment and mobile equipment components prior to the application of topcoat for the purpose of filling surface imperfections in the substrate, providing corrosion resistance, or promoting adhesion of subsequent coatings.

Automotive Rubbing or Polishing Compound - a product designed primarily to remove oxidation, old paint, scratches or "swirl marks," and other defects from the painted surfaces of motor vehicles without leaving a protective barrier.

Automotive specialty coating - coatings including, but not limited to, elastomeric coatings, adhesion promoters, low gloss coatings, bright metal trim repair coatings, jamming clearcoats, impact resistant coatings, rubberized asphaltic underbody coatings, uniform finish blenders, weld-through primers applied to automotive surfaces and lacquer topcoats applied to a classic motor vehicle or to an antique motor vehicle.

Automotive topcoat - a coating or series of coatings applied over an automotive primer-surfacer, automotive primer-sealer or existing finish on the surface of mobile equipment and mobile equipment components for the purpose of protection or beautification.

Automotive touch up repair - the application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than one (1) inch in diameter.

Automotive Wax, Polish, Sealant or Glaze - a product designed to seal out moisture, increase gloss, or otherwise enhance a motor vehicle's painted surfaces. This term includes, but is not limited to, products designed for use in autobody repair shops and "drive-through" car washes, as well as products designed for the general public. This term does not include "Automotive Rubbing or Polishing Compounds," automotive wash and wax products, surfactant-containing car wash products, and products designed for use on unpainted surfaces such as bare metal, chrome, glass, or plastic.

Automotive Windshield Washer Fluid - any liquid designed for use in a motor vehicle windshield washer system either as an antifreeze or for the purpose of cleaning, washing, or wetting the windshield. This term does not include fluids placed by the manufacturer in a new vehicle.

Batch vapor cleaning machine - a vapor cleaning machine in which individual parts or a set of parts move through the entire cleaning cycle before new parts are introduced into the cleaning machine. The term includes solvent cleaning machines, such as ferris wheel cleaners or cross rod machines, that clean multiple loads simultaneously and are manually loaded. The term does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Bathroom and Tile Cleaner - a product designed to clean tile or surfaces in bathrooms. This term does not include products specifically designed to clean toilet bowls or toilet tanks.

Bitumens - black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

Bituminous Roof Coating - a coating that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bituminous Roof Primer - a primer that incorporates bitumens that is labeled and formulated exclusively for roofing.

Bond Breaker - a coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

Bug and Tar Remover - a product designed to remove either or both biological-type residues such as insect carcasses and tree sap and, road grime, such as road tar, roadway paint markings, and asphalt from painted motor vehicle surfaces without causing damage to the finish.

CARB - the California Air Resources Board.

Carbon adsorber - a bed of activated carbon into which an air/solvent gas-vapor stream is routed and which adsorbs the solvent on the carbon.

Carburetor or Fuel-Injection Air Intake Cleaners - a product designed to remove fuel deposits, dirt, or other contaminants from a carburetor, choke, throttle body of a fuel-injection

system, or associated linkages. This term does not include products designed exclusively to be introduced directly into the fuel lines or fuel storage tank prior to introduction into the carburetor or fuel injectors.

Carpet and Upholstery Cleaner - a cleaning product designed for the purpose of eliminating dirt and stains on rugs, carpeting, and the interior of motor vehicles and/or on household furniture or objects upholstered or covered with fabrics such as wool, cotton, nylon or other synthetic fabrics. This term includes, but is not limited to, products that make fabric protectant claims. This term does not include “General Purpose Cleaners,” “Spot Removers,” vinyl or leather cleaners, dry cleaning fluids, or products designed exclusively for use at industrial facilities engaged in furniture or carpet manufacturing.

Charcoal Lighter Material - any combustible material designed to be applied on, incorporated in, added to, or used with charcoal to enhance ignition. This term does not include electrical starters and probes, metallic cylinders using paper tinder, natural gas, propane, or fat wood.

Classic motor vehicle - a motor vehicle, but not a reproduction thereof, manufactured at least fifteen (15) years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformity with manufacturer specifications and appearance.

Clear Brushing Lacquers - clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush and which are labeled as specified in subsection 722.3.

Clear Wood Coatings - clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

Coating - a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. This term includes, but is not limited to, paints, varnishes, sealers, and stains.

Cold cleaning machine - a device or piece of equipment, containing and/or using an unheated liquid which contains greater than five (5) percent volatile organic compound or five (5) percent hazardous air pollutant (hap) by weight, where parts are placed to remove dirt, grease, oil or other contaminants and coatings, from the surfaces of the parts or to dry the parts. The term does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Colorant - any concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color or coloring material used in a consumer product for an aesthetic effect, or to dramatize an ingredient.

Compliance Period - the period of time, not to exceed one (1) year, for which the ACP Limit and ACP Emissions are calculated and for which compliance with the ACP Limit is determined, as specified in the ACP Agreement approving an ACP.

Concrete Curing Compound - a coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

Construction, Panel, and Floor Covering Adhesive - any one-component adhesive that is designed exclusively for the installation, remodeling, maintenance, or repair of:

- (a) structural and building components that include, but are not limited to, beams, trusses, studs, paneling (drywall or drywall laminates, fiberglass reinforced plastic (FRP), plywood, particle board, insulation board, pre-decorated hardboard or tileboard, etc.), ceiling and acoustical tile, molding, fixtures, countertops or countertop laminates, cove or wall bases, and flooring or subflooring; or
- (b) floor or wall coverings that include, but are not limited to, wood or simulated wood covering, carpet, carpet pad or cushion, vinyl-backed carpet, flexible flooring material, non-resilient flooring material, mirror tiles and other types of tiles, and artificial grass.

This term does not include “Floor Seam Sealer.”

Consumer - any person who purchases, or otherwise acquires any consumer product or a new portable fuel container or spout or both portable fuel container and spout for personal, family, household, or institutional use. This term does not include persons acquiring a consumer product or a portable fuel container or spout or both portable fuel container and spout for resale.

Consumer Product - a chemically formulated product used by household and institutional consumers including, but not limited to, detergents, cleaning compounds, polishes, floor finishes, cosmetics, personal care products, home, lawn, and garden products, disinfectants, sanitizers, aerosol paints, and automotive specialty products. This term does not include other paint products, furniture coatings, or architectural coatings.

Contact Adhesive - an adhesive that is designed for application to both surfaces to be bonded together, is allowed to dry before the two (2) surfaces are placed in contact with each other, forms an immediate bond that is impossible or difficult to reposition after both adhesive-coated surfaces are placed in contact with each other, and does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. This term does not include rubber cements that are primarily intended for use on paper substrates.

Contact Person - a representative(s) that has been designated by the responsible ACP party for the purpose of reporting or maintaining any information specified in the ACP Agreement approving an ACP.

Container/Packaging - the part or parts of the consumer or institutional product which serve only to contain, enclose, incorporate, deliver, dispense, wrap or store the chemically formulated substance or mixture of substances which is solely responsible for accomplishing the purposes for which the product was designed or intended. This term includes any article onto or into which the principal display panel and other accompanying literature or graphics are incorporated, etched, printed or attached.

Crawling Bug Insecticide - any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites, silverfish or spiders. This term does not include products designed to be used exclusively on humans or animals, or any house dust mite product. For the purposes of this definition only:

- (a) House dust mite product means a product whose label, packaging, or accompanying literature states that the product is suitable for use against house dust mites, but does not indicate that the product is suitable for use against ants, cockroaches, or other household crawling arthropods; and
- (b) House dust mite means mites which feed primarily on skin cells shed in the home by humans and pets and which belong to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acari, the order Astigmata, and the family Pyroglyphidae.

Date-Code - the day, month and year on which the consumer product was manufactured, filled, or packaged, or a code indicating such a date.

Deodorant - any product including, but not limited to, aerosols, roll-ons, sticks, pumps, pads, creams, and squeeze-bottles, that is intended by the manufacturer to be used to minimize odor in the human axilla by retarding the growth of bacteria that cause the decomposition of perspiration.

Device - any instrument or contrivance (other than a firearm) which is designed for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals). This term does not include equipment used for the application of pesticides when sold separately therefrom.

Disinfectant - any product intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects and whose label is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136, et seq.). This term does not include products designed solely for use on human or animals, products designed for agricultural use, products designed solely for use in swimming pools, therapeutic tubs, or hot tubs. This term does not include products which, as indicated on the principal display panel or label, are primarily designed for use as bathroom and tile cleaners, glass cleaners, general purpose cleaners, toilet bowl cleaners, or metal polishes.

District of Columbia Sales - the sales (net pounds of product, less packaging and container, per year) in District of Columbia for either the calendar year immediately prior to the year that the registration is due or, if that data is not available, any consecutive twelve (12) month period commencing no earlier than two (2) years prior to the due date of the registration. If direct sales data for District of Columbia is not available, sales may be estimated by prorating national or regional sales data by population.

Distributor - any person to whom a consumer product or portable fuel container or spout or both portable fuel container and spout is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

Double Phase Aerosol Air Freshener - an aerosol air freshener with the liquid contents in two (2) or more distinct phases that requires the product container be shaken before use to mix the phases, producing an emulsion.

Dry Cleaning Fluid - any non-aqueous liquid product designed and labeled exclusively for use on fabrics which are labeled "for dry clean only," such as clothing or drapery; or "S-coded" fabrics. This term includes, but is not limited to, those products used by commercial dry cleaners

and commercial businesses that clean fabrics such as draperies at the customer's residence or work place. This term does not include "Spot Remover" or "Carpet and Upholstery Cleaner." For the purposes of this definition, S-coded fabric means an upholstery fabric designed to be cleaned only with water-free spot cleaning products as specified by the Joint Industry Fabric Standards Committee."

Dry Fog Coating - a coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

Dusting Aid - a product designed to assist in removing dust and other soils from floors and other surfaces without leaving a wax or silicone based coating. This term does not include products that consist entirely of compressed gases for use in electronic or other specialty areas.

Dwell - holding parts within the freeboard area of a solvent cleaning machine but above the solvent vapor zone. This term occurs after cleaning to allow solvent to drain from the parts or parts baskets back into the solvent cleaning machine.

Dwell time - the period of time between when a parts basket is placed in the vapor zone of a batch vapor or in-line vapor cleaning machine and when solvent dripping ceases. This term is determined by placing a basket of parts in the vapor zone and measuring the amount of time between when the parts are placed in the vapor zone and dripping ceases.

Electronic Cleaner - a product designed specifically for the removal of dirt, grease or grime from electrical equipment such as electric motors, circuit boards, electricity panels, and generators.

Enforceable Sales - the total amount of an ACP product sold for use in District of Columbia, during the applicable compliance period specified in the ACP Agreement approving an ACP, as determined through enforceable sales records (expressed to the nearest pound, excluding product container and packaging).

Enforceable Sales Record - a written, point-of-sale record or any other District of Columbia-approved system of documentation from which the mass, in pounds (less product container and packaging), of an ACP product sold to the end user in District of Columbia during the applicable compliance period can be accurately documented. For the purposes of this regulation, this term includes, but is not limited to, the following types of records:

- (a) accurate records of direct retail or other outlet sales to the end user during the applicable compliance period;
- (b) accurate compilations, made by independent market surveying services, of direct retail or other outlet sales to the end users for the applicable compliance period, provided that a detailed method which can be used to verify any data comprising such summaries is submitted by the responsible ACP party and approved by the District of Columbia; and
- (c) any other accurate product sales records approved by the District of Columbia as meeting the criteria specified in this section.

Engine Degreaser - a cleaning product designed to remove grease, grime, oil and other contaminants from the external surfaces of engines and other mechanical parts.

Exempt Compound - a compound identified as exempt under the definition of Volatile Organic Compound (VOC), section 799. Exempt compounds content of a coating shall be determined by U.S. EPA Method 24 or South Coast Air Quality Management District (SCAQMD) Method 303-91 (Revised February 1993), incorporated by reference in subparagraph 722.5(e)(g).

Fabric Protectant - a product designed to be applied to fabric substrates to protect the surface from soiling from dirt and other impurities or to reduce absorption of liquid into the fabric's fibers. This term does not include waterproofers, products designed for use solely on leather, or products designed for use solely on fabrics which are labeled "for dry clean only" and sold in containers of ten (10) fluid ounces or less.

Facial Cleaner or Soap - a cleaner or soap designed primarily to clean the face. This term includes, but is not limited to, facial cleansing creams, gels, liquids, lotions, and substrate-impregnated forms. This term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "General-use Hand or Body Cleaner or Soap," "Medicated Astringent/Medicated Toner," or "Rubbing Alcohol."

Fat Wood - pieces of wood kindling with high naturally-occurring levels of sap or resin which enhance ignition of the kindling. This term does not include any kindling with substances added to enhance flammability, such as wax-covered or wax-impregnated wood-based products.

Flea and Tick Insecticide - any insecticide product that is designed for use against fleas, ticks, their larvae, or their eggs. This term does not include products that are designed to be used exclusively on humans or animals and their bedding.

Flexible Flooring Material - asphalt, cork, linoleum, no-wax, rubber, seamless vinyl and vinyl composite flooring.

Faux Finishing Coating - a coating labeled and formulated as a stain or a glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

Fire-Resistive Coating - an opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency and approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with ASTM Designation E 119-98, incorporated by reference in subparagraph 722.5(e)(2).

Fire-Retardant Coating - a coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials. The fire-retardant coating shall be tested in accordance with ASTM Designation E 84-99, incorporate by reference in subparagraph 722.5(e)(1).

Flat Coating - a coating that is not defined under any other definition in this rule and that registers gloss less than fifteen (15) on an eighty-five (85) degree meter or less than five (5) on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by

reference in subparagraph 722.5(e)(3).

Floor Coating - an opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces, which may be subjected to foot traffic.

Floor Polish or Wax - a wax, polish, or any other product designed to polish, protect, or enhance floor surfaces by leaving a protective coating that is designed to be periodically replenished. This term does not include “spray buff products,” products designed solely for the purpose of cleaning floors, floor finish strippers, products designed for unfinished wood floors, and coatings subject to architectural coatings regulations.

Floor Seam Sealer - any product designed and labeled exclusively for bonding, fusing, or sealing (coating) seams between adjoining rolls of installed flexible sheet flooring.

Floor Wax Stripper - a product designed to remove natural or synthetic floor polishes or waxes through breakdown of the polish or wax polymers, or by dissolving or emulsifying the polish or wax. This term does not include aerosol floor wax strippers or products designed to remove floor wax solely through abrasion.

Flow Coating - a coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.

Flying Bug Insecticide - any insecticide product that is designed for use against flying insects or other flying arthropods, including but not limited to flies, mosquitoes, moths, or gnats. This term does not include “wasp and hornet insecticide,” products that are designed to be used exclusively on humans or animals, or any moth-proofing product. For the purposes of this definition only, “moth-proofing product” means a product whose label, packaging, or accompanying literature indicates that the product is designed to protect fabrics from damage by moths, but does not indicate that the product is suitable for use against flying insects or other flying arthropods.

Form-Release Compound - a coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some material other than concrete.

Fragrance - a substance or complex mixture of aroma chemicals, natural essential oils, and other functional components, the sole purpose of which is to impart an odor or scent, or to counteract a malodor.

Freeboard ratio - for a cold cleaning machine, the distance from the liquid solvent to the top edge of the cold cleaning machine divided by the width of the cold cleaning machine. For an operating batch vapor cleaning machine or an in-line vapor cleaning machine, the distance from the top of the solvent vapor layer to the top edge of the vapor cleaning machine divided by the width of the vapor cleaning machine.

Freeboard refrigeration device - a set of secondary coils mounted in the freeboard area of a solvent cleaning machine that carries a refrigerant or other chilled substance to provide a chilled air blanket above the solvent vapor. A solvent cleaning machine’s primary condenser which is capable of maintaining a temperature in the center of the chilled air blanket at not more than

thirty (30) percent of the solvent boiling point and is both a primary condenser and a freeboard refrigeration device.

Fuel - all fuels subject to any provision of Title 13, California Code of Regulations, Chapter 5, Standards for Motor Vehicle Fuels, Sections 2250 - 2298, except for Sections 2292.5, 2292.6, and 2292.7 or applicable District Of Columbia Law or Regulation.

Furniture Maintenance Product - a wax, polish, conditioner, or any other product designed for the purpose of polishing, protecting or enhancing finished wood surfaces other than floors. This term does not include dusting aids, products designed solely for the purpose of cleaning, and products designed to leave a permanent finish such as stains, sanding sealers and lacquers.

Furniture Coating - any paint designed for application to room furnishings including, but not limited to, cabinets (kitchen, bath and vanity), tables, chairs, beds, and sofas.

Gel - a colloid in which the disperse phase has combined with the continuous phase to produce a semisolid material, such as jelly.

General Purpose Adhesive - any non-aerosol adhesive designed for use on a variety of substrates. This term does not include contact adhesives, construction, panel, floor covering adhesives, adhesives designed exclusively for application on one specific category of substrates (i.e., substrates that are composed of similar materials, such as different types of metals, paper products, ceramics, plastics, rubbers, or vinyls), or adhesives designed exclusively for use on one specific category of articles (i.e., articles that may be composed of different materials but perform a specific function, such as gaskets, automotive trim, weather-stripping, or carpets).

General Purpose Cleaner - a product designed for general all-purpose cleaning, in contrast to cleaning products designed to clean specific substrates in certain situations. This term includes products designed for general floor cleaning, kitchen or countertop cleaning, and cleaners designed to be used on a variety of hard surfaces. This term does not include general purpose degreasers and electronic cleaners.

General Purpose Degreaser - any product designed to remove or dissolve grease, grime, oil and other oil-based contaminants from a variety of substrates, including automotive or miscellaneous metallic parts. This term does not include "Engine Degreaser," "General Purpose Cleaner," "Adhesive Remover," "Electronic Cleaner," "Metal Polish/Cleanser," products used exclusively in "solvent cleaning tanks or related equipment," or products that are sold exclusively to establishments which manufacture or construct goods or commodities and labeled "not for retail sale." "Solvent cleaning tanks or related equipment" includes, but is not limited to, cold cleaners, vapor degreasers, conveyORIZED degreasers, film cleaning machines, or products designed to clean miscellaneous metallic parts by immersion in a container.

General-use Hand or Body Cleaner or Soap - a cleaner or soap designed to be used routinely on the skin to clean or remove typical or common dirt and soils. This term includes, but is not limited to, hand or body washes, dual-purpose shampoo-body cleaners, shower or bath gels, and moisturizing cleaners or soaps. This term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "Facial Cleaner or Soap," "Hand Dishwashing Detergent" (including antimicrobial), "Heavy-duty Hand Cleaner or Soap," "Medicated Astringent/Medicated Toner," or "Rubbing Alcohol."

Glass Cleaner - a cleaning product designed primarily for cleaning surfaces made of glass. This term does not include products designed solely for the purpose of cleaning optical materials used in eyeglasses, photographic equipment, scientific equipment and photocopying machines.

Graphic Arts Coating or Sign Paint - a coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including letter enamels, poster colors, copy blockers, and bulletin enamels.

Gross District of Columbia Sales - the estimated total District of Columbia sales of an ACP product during a specific compliance period (expressed to the nearest pound), based on either of the following methods, whichever the responsible ACP party demonstrates to the satisfaction of the District of Columbia will provide an accurate District of Columbia sales estimate:

- (a) apportionment of national or regional sales of the ACP product to District of Columbia sales, determined by multiplying the average national or regional sales of the product by the fraction of the national or regional population, respectively, that is represented by District of Columbia's current population; or
- (b) any other documented method which provides an accurate estimate of the total current District of Columbia sales of the ACP product.

Hair Mousse - a hairstyling foam designed to facilitate styling of a coiffure and provide limited holding power.

Hair Shine - any product designed for the primary purpose of creating a shine when applied to the hair. This term includes, but is not limited to, dual-use products designed primarily to impart a sheen to the hair. This term does not include "Hair spray," "Hair Mousse," "Hair Styling Gel," spray gel, or products whose primary purpose is to condition or hold the hair.

Hair Styling Gel - a high viscosity, often gelatinous, product that contains a resin and is designed for the application to hair to aid in styling and sculpting of the hair coiffure.

Hair spray - a consumer product designed primarily for the purpose of dispensing droplets of a resin on and into a hair coiffure which will impart sufficient rigidity to the coiffure to establish or retain the style for a period of time.

Heavy-Duty Hand Cleaner or Soap - a product designed to clean or remove difficult dirt and soils such as oil, grease, grime, tar, shellac, putty, printer's ink, paint, graphite, cement, carbon, asphalt, or adhesives from the hand with or without the use of water.

This term does not include prescription drug products, "Antimicrobial Hand or Body Cleaner or Soap," "Astringent/Toner," "Facial Cleaner or Soap," "General-use Hand or Body Cleaner or Soap," "Medicated Astringent/Medicated Toner," or "Rubbing Alcohol."

Herbicide - a pesticide product designed to kill or retard a plant's growth, but excludes products that are for agricultural use, or restricted materials that require a permit for use and possession.

High-Temperature Coating - a high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above two-hundred and four

degrees Celsius (204°C or 400°F).

High Volatility Organic Compound (HVOC) - any volatile organic compound that exerts a vapor pressure greater than eighty (80) millimeters of Mercury (mm Hg) when measured at twenty degrees Celsius (20°C).

Household Product - any consumer product that is primarily designed to be used inside or outside of living quarters or residences that are occupied or intended for occupation by individuals, including the immediate surroundings.

Immersion cold cleaning machine - a cold cleaning machine in which the parts are immersed in the solvent when being cleaned.

Industrial Maintenance Coating - a high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed in the following definitions:

- (a) Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposures of interior surfaces to moisture condensation;
- (b) Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
- (c) Repeated exposure to temperatures above one-hundred and twenty-one degrees Celsius (121°C or 250°F);
- (d) Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents;
- (e) Exterior exposure of metal structures and structural components; or
- (f) The provisions set forth in subsection 722.3(a)(4).

In-line vapor cleaning machine - a vapor cleaning machine that uses an automated parts handling system, typically a conveyor, to automatically provide a supply of parts to be cleaned. In-line vapor cleaning machines are fully enclosed except for the conveyor inlet and exit portals.

Insecticide - a pesticide product that is designed for use against insects or other arthropods. This term excludes products that are for agricultural use, for a use which requires a structural pest control license under applicable District of Columbia laws or regulations, or restricted materials that require a permit for use and possession.

Insecticide Fogger - any insecticide product designed to release all or most of its content, as a fog or mist, into indoor areas during a single application.

“Institutional Product” or “Industrial and Institutional (I&I) Product” - a consumer product that is designed for use in the maintenance or operation of an establishment that manufactures, transports, sells goods or commodities, provides services for profit; or is engaged in the nonprofit promotion of a particular public, educational, or charitable cause. This term includes, but is not limited to, government agencies, factories, schools, hospitals, sanitariums, prisons, restaurants, hotels, stores, automobile service and parts centers, health clubs, theaters, or transportation companies. This term does not include household products and products that are incorporated into or used exclusively in the manufacture or construction of the goods or commodities at the site of the establishment.

Label - any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon any consumer product or consumer product package, for purposes of branding, identifying, or giving information with respect to the product or to the contents of the package.

Lacquer - a clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

Laundry Prewash - a product that is designed for application to a fabric prior to laundering and that supplements and contributes to the effectiveness of laundry detergents and/or provides specialized performance.

Laundry Starch Product - a product that is designed for application to a fabric, either during or after laundering, to impart and prolong a crisp, fresh look and may also act to help ease ironing of the fabric. This term includes, but is not limited to, fabric finish, sizing, and starch.

Lawn and Garden Insecticide - an insecticide product designed primarily to be used in household lawn and garden areas to protect plants from insects or other arthropods.

Liquid - a substance or mixture of substances that is capable of a visually detectable flow as determined under ASTM D-4359-90. This term does not include powders or other materials that are composed entirely of solid particles.

Low-Solids Coating - a coating containing 0.12 kilograms or less of solids per liter (one (1) pound or less of solids per gallon) of coating material.

Lubricant - a product designed to reduce friction, heat, noise, or wear between moving parts, or to loosen rusted or immovable parts or mechanisms. This term does not include automotive power steering fluids, products for use inside power generating motors, engines, and turbines, and their associated power-transfer gearboxes, two cycle oils or other products designed to be added to fuels, products for use on the human body or animals, products that are sold exclusively to establishments which manufacture or construct goods or commodities, and products labeled "not for retail sale."

LVP Content - the total weight, in pounds, of LVP compounds in an ACP product multiplied by one-hundred (100) and divided by the product's total net weight (in pounds, excluding container and packaging), expressed to the nearest 0.1.

LVP-VOC - a chemical "compound" or "mixture" that contains at least one (1) carbon atom and meets one of the following:

- (a) has a vapor pressure less than 0.1 mm Hg at twenty degrees Celsius (20°C), as determined by CARB Method 310; or
- (b) is a chemical "compound" with more than twelve (12) carbon atoms, or a chemical "mixture" comprised solely of "compounds" with more than twelve (12) carbon atoms, and the vapor pressure is unknown; or
- (c) is a chemical "compound" with a boiling point greater than two-hundred and sixteen degrees Celsius (216°C), as determined by CARB Method 310; or

(d) is the weight percent of a chemical “mixture” that boils above two-hundred and sixteen degrees Celsius (216° C), as determined by CARB Method 310.

For the purposes of the definition of LVP-VOC, chemical “compound” means a molecule of definite chemical formula and isomeric structure, and chemical “mixture” means a substrate comprised of two or more chemical “compounds.”

Magnesite Cement Coating - a coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

Manufacturer - any person who imports, manufactures, assembles, produces, packages, repackages, or re-labels a consumer product or portable fuel container or spout or both portable fuel container and spout.

Mastic Texture Coating - a coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least ten (10) mils (0.010 inch) dry film thickness.

Medicated Astringent /Medicated Toner - any product regulated as a drug by the FDA which is applied to the skin for the purpose of cleaning or tightening pores. This term includes, but is not limited to, clarifiers and substrate-impregnated products. This term does not include hand, face, or body cleaner or soap products, “Astringent/Toner,” cold cream, lotion, antiperspirants, or products that must be purchased with a doctor’s prescription.

Medium Volatility Organic Compound (MVOC) - any volatile organic compound that exerts a vapor pressure greater than two (2) mm Hg and less than or equal to eighty (80) mm Hg when measured at twenty degrees Celsius (20°C).

Metallic Pigmented Coating - a coating containing at least forty-eight (48) grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with SCAQMD Method 318-95, incorporated by reference in paragraph 722.5(d).

Metal Polish /Cleanser - any product designed primarily to improve the appearance of finished metal, metallic, or metallized surfaces by physical or chemical action. To “improve the appearance” means to remove or reduce stains, impurities, or oxidation from surfaces or to make surfaces smooth and shiny. This term includes, but is not limited to, metal polishes used on brass, silver, chrome, copper, stainless steel and other ornamental metals. This term does not include “Automotive Wax, Polish, Sealant or Glaze,” wheel cleaner, “Paint Remover or Stripper,” products designed and labeled exclusively for automotive and marine detailing, or products designed for use in degreasing tanks.

Missing Data Days - the number of days in a compliance period for which the responsible ACP party has failed to provide the required Enforceable Sales or VOC Content data to the District of Columbia, as specified in the ACP Agreement approving an ACP.

Mist Spray Adhesive - any aerosol which is not a special purpose spray adhesive and which delivers a particle or mist spray, resulting in the formation of fine, discrete particles that yield a generally uniform and smooth application of adhesive to the substrate.

Mobile equipment - equipment which may be driven or is capable of being driven on a roadway including, but not limited to automobiles, trucks, truck cabs, truck bodies, truck trailers, buses,

motorcycles, utility bodies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts, ground support vehicles, used in support of aircraft activities at airports, and farm equipment.

Multi-Color Coating - a coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.

Multi-purpose Dry Lubricant - any lubricant which is designed and labeled to provide lubricity by depositing a thin film of graphite, molybdenum disulfide ("moly"), or polytetrafluoroethylene or closely related fluoropolymer ("teflon") on surfaces, and designed for general purpose lubrication, or for use in a wide variety of applications.

Multi-purpose Lubricant - any lubricant designed for general purpose lubrication, or for use in a wide variety of applications. This term does not include "Multi-purpose Dry Lubricants," "Penetrants," or "Silicone-based Multi-purpose Lubricants."

Multi-purpose Solvent - any organic liquid designed to be used for a variety of purposes, including cleaning or degreasing of a variety of substrates, or thinning, dispersing or dissolving other organic materials. This term includes solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories. This term does not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment.

Nail Polish - any clear or colored coating designed for application to the fingernails or toenails and including but not limited to, lacquers, enamels, acrylics, base coats and top coats.

Nail Polish Remover - a product designed to remove nail polish and coatings from fingernails or toenails.

Nominal Capacity - the volume indicated by the manufacturer that represents the maximum recommended filling level.

Non-aerosol Product - any consumer product that is not dispensed by a pressurized spray system.

Non-Carbon Containing Compound - any compound which does not contain any carbon atoms.

Non-flat Coating - a coating that is not defined under any other definition in this rule and that registers a gloss of fifteen (15) or greater on an eighty-five (85) degree meter and five (5) or greater on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in subparagraph 722.5(e)(3).

Non-flat - High Gloss Coating - a non-flat coating that registers a gloss of seventy (70) or above on a sixty (60) degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference into subparagraph 722.5(e)(3).

Nonindustrial Use - any use of architectural coatings except in the construction or maintenance of any of the following:

- (a) facilities used in the manufacturing of goods and commodities;
- (b) transportation infrastructure, including highways, bridges, airports and railroads;

- (c) facilities used in mining activities, including petroleum extraction; and
- (d) utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

Nonresilient Flooring - flooring of a mineral content that is not flexible.

This term includes terrazzo, marble, slate, granite, brick, stone, ceramic tile and concrete.

Non-Selective Terrestrial Herbicide - a terrestrial herbicide product that is toxic to plants without regard to species.

One-product business - a responsible ACP party that sells, supplies, offers for sale, or manufactures for use in District of Columbia:

- (a) only one (1) distinct ACP product, sold under one (1) product brand name, which is subject to the requirements of subsection 719.2, or
- (b) only one (1) distinct ACP product line subject to the requirements of subsection 719.2, in which all the ACP products belong to the same product category(ies) and the VOC Contents in the products are within ninety-eight (98) percent and one-hundred and two (102) percent of the arithmetic mean of the VOC Contents over the entire product line.

Outboard Engine - a spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

Oven Cleaner - any cleaning product designed to clean and to remove dried food deposits from oven walls.

Paint - any pigmented liquid, liquefiable, or mastic composition designed for application to a substrate in a thin layer which is converted to an opaque solid film after application and is used for protection, decoration or identification, or to serve some functional purpose such as the filling or concealing of surface irregularities or the modification of light and heat radiation characteristics.

Paint Remover or Stripper - any product designed to strip or remove paints or other related coatings, by chemical action, from a substrate without markedly affecting the substrate. This term does not include "Multi-purpose Solvents," paint brush cleaners, products designed and labeled exclusively to remove graffiti, and hand cleaner products that claim to remove paints and other related coatings from skin.

Person - any individual, public or private corporation, political subdivision, government agency, department or bureau of the State, municipality, industry, co-partnership, association, firm, estate or any legal entity whatsoever.

Penetrant - a lubricant designed and labeled primarily to loosen metal parts that have bonded together due to rusting, oxidation, or other causes. This term does not include "Multi-purpose Lubricants" that claim to have penetrating qualities, but are not labeled primarily to loosen bonded parts.

Permeation - means the process by which individual fuel molecules may penetrate the walls and various assembly components of a portable fuel container directly to the outside ambient air.

Person - any individual, public or private corporation, political subdivision, government agency, department or bureau of the State, municipality, industry, co-partnership, association, firm, trust, estate or any legal entity whatsoever or applicable District of Columbia definition.

Pesticide - any substance or mixture of substances labeled, designed, or intended for use in preventing, destroying, repelling or mitigating any pest, or any substance or mixture of substances labeled, designed, or intended for use as a defoliant, desiccant, or plant regulator. This term does not include any substance, mixture of substances, or device which the United States Environmental Protection Agency does not consider to be a pesticide.

Portable Fuel Container - any container or vessel with a nominal capacity of ten (10) gallons or less intended for reuse that is designed or used primarily for receiving, transporting, storing, and dispensing fuel.

Post-Consumer Coating - a finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.

Pre-ACP VOC Content - the lowest VOC content of an ACP product between January 1, 1990 and the date on which the application for a proposed ACP is submitted to the District of Columbia, based on either the data on the product obtained from the March 12, 1991 CARB Consumer Products Survey, or other accurate records available to the District of Columbia, whichever yields the lowest VOC content for the product.

Pre-Treatment Wash Primer - a primer that contains a minimum of 0.5 acid, by weight, when tested in accordance with ASTM Designation D 1613-96, incorporated by reference into subparagraph 722.5(e)(5), that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

Primer - a coating labeled and formulated for application to a substrate to provide a firm bind between the substrate and subsequent coats.

Principal Display Panel or Panels - that part, or those parts of a label that are so designed as to most likely be displayed, presented, shown or examined under normal and customary conditions of display or purchase. Whenever a principal display panel appears more than once, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

Product Brand Name - the name of the product exactly as it appears on the principal display panel of the product.

Product Category - the applicable category that best describes the product as listed in this section with respect to its nominal capacity, material construction, fuel flow rate, and permeation rate, as applicable, as determined by the District of Columbia.

Product Line - a group of products of identical form and function belonging to the same product category(ies).

Propellant - a liquefied or compressed gas that is used in whole or in part, such as a co-solvent, to expel a liquid or any other material from the same self-pressurized container or from a separate container.

Pump Spray - a packaging system in which the product ingredients within the container are not under pressure and in which the product is expelled only while a pumping action is applied to a button, trigger or other actuator.

Quick-Dry Enamel - a non-flat coating that is labeled as specified in subparagraph 722.3(a)(8) and that is formulated to have the following characteristics:

- (a) Is capable of being applied directly from the container under normal conditions with ambient temperatures between sixteen degrees Celsius (16°C) and twenty-seven degrees Celsius (27°C) (60° and 80°F);
- (b) When tested in accordance with ASTM Designation D 1640-95, incorporated by reference in subsection 722.5(e)(6), sets to touch in two (2) hours or less, is tack free in four (4) hours or less, and dries hard in eight (8) hours or less by the mechanical test method; and
- (c) Has a dried film gloss of seventy (70) or above on a sixty (60) degree meter.

Quick-Dry Primer Sealer and Undercoater - a primer, sealer, or undercoater that is dry to the touch in thirty (30) minutes and can be re-coated in two (2) hours when tested in accordance with ASTM Designation D 1640-95, incorporated by reference in subparagraph 722.5(e)(6).

Reconcile or Reconciliation - to provide sufficient VOC emission reductions to completely offset any shortfalls generated under the ACP during an applicable compliance period.

Reconciliation of Shortfalls Plan - the plan to be implemented by the responsible ACP party when shortfalls have occurred, as approved by the District of Columbia pursuant to subparagraph 719.21(c)(7)(J).

Recycled Coating - an architectural coating formulated such that not less than fifty (50) percent of the total weight consists of secondary and post-consumer coating, with not less than ten (10) percent of the total weight consisting of post-consumer coating.

Reduced room draft - decreasing the flow or movement of air across the top of the freeboard area of a solvent cleaning machine to less than fifty (50) feet per minute (15.2 meters per minute) by methods including redirecting fans and/or air vents, moving a machine to a corner where there is less room draft, or constructing a partial or complete enclosure.

Remote reservoir cold cleaning machine - a machine in which liquid solvent is pumped to a sink-like work area that immediately drains solvent back into an enclosed container while parts are being cleaned, allowing no solvent to pool in the work area.

Residence - areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

Responsible Party - the company, firm or establishment which is listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party which the product was "manufactured for" or "distributed by," as noted on the label.

Responsible ACP Party - the company, firm or establishment which is listed on the ACP product's label. If the label lists two (2) or more companies, firms, or establishments, the "responsible ACP party" is the party which the ACP product was "manufactured for" or "distributed by," as noted on the label.

Restricted Materials - pesticides established as restricted materials under applicable District of Columbia Laws or Regulations.

Retailer - any person who owns, leases, operates, controls, sells, supplies, or offers consumer products for sale directly to consumers or supervises a retail outlet.

Retail Outlet - any establishment at which consumer products or portable fuel containers or spouts or both portable fuel containers and spouts are sold, supplied, or offered for sale directly to consumers.

Roll-on Product - any antiperspirant or deodorant that dispenses active ingredients by rolling a wetted ball or wetted cylinder on the affected area.

Roof Coating - a non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. This term does not include metallic pigmented roof coatings.

Rubber and Vinyl Protectant - any product designed to protect, preserve or renew vinyl, rubber, and plastic on vehicles, tires, luggage, furniture, and household products such as vinyl covers, clothing, and accessories. This term does not include products primarily designed to clean the wheel rim, such as aluminum or magnesium wheel cleaners, and tire cleaners that do not leave an appearance-enhancing or protective substance on the tire.

Rubbing Alcohol - any product containing isopropyl alcohol (also called isopropanol) or denatured ethanol and labeled for topical use, usually to decrease germs in minor cuts and scrapes, to relieve minor muscle aches, as a rubefacient, and for massage.

Rust Preventive Coating - a coating formulated exclusively for nonindustrial use to prevent the corrosion of metal surfaces and labeled as specified in subparagraph 722.3(a)(6).

Sanding Sealer - a clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. This term does not include sanding sealers that also meet the definition of a lacquer (see lacquer category).

Sealant and Caulking Compound - any product with adhesive properties that is designed to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. This term does not include roof cements and roof sealants, insulating foams, removable caulking compounds, clear/paintable/water resistant caulking compounds, floor seam sealers, products designed exclusively for automotive uses, or sealers that are applied as continuous coatings. This term also does not include units of product, less packaging, which weigh more than one pound and consist of more than 16 fluid ounces. For the purposes of this definition only, “removable caulking compounds” means a compound which temporarily seals windows or doors for three to six month time intervals, and “clear/paintable/water resistant caulking compounds” means a compound which contains no appreciable level of opaque fillers or pigments, transmits most or all visible light through the caulk when cured, is paintable, and is immediately resistant to precipitation upon application.

Sealer - a coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

Secondary Coating (Rework) - a fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value. This term does not include excess virgin resources of the manufacturing process.

Semisolid - a product that, at room temperature, will not pour, but will spread or deform easily, including gels, pastes, and greases.

Shaving Cream - an aerosol product which dispenses a foam lather intended to be used with a blade or cartridge razor, or other wet-shaving system, in the removal of facial or other bodily hair.

Shellac - a clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Lacifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

Shop Application - application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

Shortfall - the ACP Emissions minus the ACP Limit when the ACP Emissions were greater than the ACP Limit during a specified compliance period, expressed to the nearest pound of VOC. This term does not include emissions occurring prior to the date that the ACP Agreement approving an ACP is signed by the District of Columbia.

Silicone-based Multi-purpose Lubricant - any lubricant which is designed and labeled to provide lubricity primarily through the use of silicone compounds including, but not limited to, polydimethylsiloxane, and designed and labeled for general purpose lubrication, or for use in a wide variety of applications. This term does not include products designed and labeled exclusively to release manufactured products from molds.

Single Phase Aerosol Air Freshener - an aerosol air freshener with the liquid contents in a single homogeneous phase and which does not require that the product container be shaken before use.

Small Business - shall have the same meaning as defined in applicable District of Columbia laws and regulations.

Solicit - to require for use or to specify, by written or oral contract.

Solid - a substance or mixture of substances which, either whole or subdivided (such as the particles comprising a powder), is not capable of visually detectable flow as determined under ASTM D-4359-90.

Solvent/air interface - the location of contact between the concentrated solvent vapor layer and the air. This location of contact is defined as the mid-line height of the primary condenser coils. For a cold cleaning machine, it is the location of contact between the liquid solvent and the air.

Solvent cleaning machine - a device or piece of equipment that uses solvent liquid or vapor to remove contaminants, such as dirt, grease, oil, and coatings, from the surfaces of materials. Types of solvent cleaning machines include batch vapor cleaning machines, in-line vapor cleaning machines, immersion cold cleaning machines, remote reservoir cold cleaning machines, airless cleaning systems and air-tight cleaning systems.

Solvent cleaning machine automated parts handling system - a mechanical device that carries all parts and parts baskets at a controlled speed from the initial loading of soiled or wet parts through the removal of the cleaned or dried parts.

Solvent cleaning machine down time - the period when a solvent cleaning machine is not cleaning parts and the sump heating coils, if present, are turned off.

Solvent cleaning machine idle time - the period when a solvent cleaning machine is not actively cleaning parts and the sump heating coil, if present, is turned on.

Special purpose spray adhesive - an aerosol adhesive that meets any of the following definitions:

- (a) *Mounting adhesive* - an aerosol adhesive designed to permanently mount photographs, artwork, and any other drawn or printed media to a backing (paper, board, cloth, etc.) without causing discoloration to the artwork;
- (b) *Flexible vinyl adhesive* - an aerosol adhesive designed to bond flexible vinyl to substrates. Flexible vinyl means a nonrigid polyvinyl chloride plastic with at least five (5) percent, by weight, of plasticizer content. A plasticizer is a material, such as a high boiling point organic solvent, that is incorporated into a plastic to increase its flexibility, workability, or distensibility, and may be determined using ASTM Method E260-91 or from product formulation data;
- (c) *Polystyrene Foam Adhesive* - an aerosol adhesive designed to bond polystyrene foam to substrates;
- (d) *Automobile Headliner Adhesive* - an aerosol adhesive designed to bond together layers in motor vehicle headliners;
- (e) *Polyolefin Adhesive* - an aerosol adhesive designed to bond polyolefins to substrates;
- (f) *Laminate Repair/Edgebanding Adhesive* - an aerosol adhesive designed for the touch-up or repair of items laminated with high pressure laminates (e.g., lifted edges, delaminates, etc.) or for the touch-up, repair, or attachment of edgebonding materials, including but not limited to, other laminates, synthetic marble, veneers, wood molding, and decorative metals.
- (g) For the purposes of this definition “high pressure laminate” means sheet materials which consist of paper, fabric, or other core material that have been laminated at temperatures exceeding two-hundred and sixty-five degrees Fahrenheit (265° F), and at pressures between one-thousand (1,000) and one-thousand four-hundred (1,400) psi.

(h) *Automotive Engine Compartment Adhesive* - an aerosol adhesive designed for use in motor vehicle under-the-hood applications which require oil and plasticizer resistance, as well as high shear strength, at temperatures of two-hundred to two-hundred and seventy-five degrees Fahrenheit (200 - 275° F).

Specialty Primer, Sealer, and Undercoater - a coating labeled as specified in subsection 732.3(a)(7) and that is formulated for application to a substrate to seal fire, smoke or water damage, to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four (4) or less as determined by ASTM Designation D 4214-98, incorporated by reference in subparagraph 722.5(e)(7).

Spill Proof Spout - any spout that complies with all of the performance standards specified in subsection 720.3.

Spill-Proof System - any configuration of portable fuel container and firmly attached spout that complies with all of the performance standards in subsection 720.2.

Spot Remover - any product designed to clean localized areas, or remove localized spots or stains on cloth or fabric such as drapes, carpets, upholstery, and clothing, that does not require subsequent laundering to achieve stain removal. This term does not include “Dry Cleaning Fluid,” “Laundry Prewash,” “Carpet and Upholstery Cleaner,” or “Multi-purpose Solvent.”

Spout - any device that can be firmly attached to a portable fuel container for conducting pouring through which the contents of a portable fuel container can be dispensed.

Spray Buff Product - a product designed to restore a worn floor finish in conjunction with a floor buffing machine and special pad.

Stain - a clear, semi-transparent, or opaque coating labeled and formulated to change the color of a surface, but not conceal the grain pattern or texture.

Stick Product - any antiperspirant or deodorant that contains active ingredients in a solid matrix form, and that dispenses the active ingredients by frictional action on the affected area.

Structural Waterproof Adhesive - an adhesive whose bond lines are resistant to conditions of continuous immersion in fresh or salt water, and that conforms with Federal Specification MMM-A-181 (Type 1, Grade A), and MIL-A-4605 (Type A, Grade A and Grade C). This term is as per the Federal Consumer Products Regulation 40 C.F.R. 59 Subpart C.

Superheated vapor system - a system that heats the solvent vapor to a temperature of ten degrees Fahrenheit (10° F) above the solvent’s boiling point. Parts are held in the superheated vapor before exiting the machine to evaporate the liquid solvent on the parts.

Surplus Reduction - the ACP Limit minus the ACP Emissions when the ACP Limit was greater than the ACP Emissions during a given compliance period, expressed to the nearest pound of VOC. Except as provided in subsection 719.28, this term does not include emissions occurring prior to the date that the ACP Agreement approving an ACP is signed by the District of Columbia.

Surplus Trading - the buying, selling, or transfer of Surplus Reductions between responsible ACP parties.

Swimming Pool Coating - a coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

Swimming Pool Repair and Maintenance Coating - a rubber-based coating labeled and formulated to be used over existing rubber-based coatings for the repair and maintenance of swimming pools.

Table B Compound - any carbon-containing compound listed as an exception to the definition of VOC.

Target Fuel Tank - any receptacle that receives fuel from a portable fuel container.

Temperature-Indicator Safety Coating - a coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above two-hundred and four degrees Celsius (204°C or 400°F).

Terrestrial - to live on or grow from land.

Tint Base - an architectural coating to which colorant is added after packaging in sale units to produce a desired color.

Tire Sealant and Inflation - any pressurized product that is designed to temporarily inflate and seal a leaking tire.

Total Maximum Historical Emissions (TMHE) - the total VOC emissions from all ACP products for which the responsible ACP party has failed to submit the required VOC Content or Enforceable Sales records. This term shall be calculated for each ACP product during each portion of a compliance period for which the responsible ACP has failed to provide the required VOC Content or Enforceable Sales records. This term shall be expressed to the nearest pound and calculated according to the following calculation:

$$TMHE = (MHE)_1 + (MHE)_2 + \dots + (MHE)_N$$

$$MHE = \left(\frac{\text{Highest VOC Content} \times \text{Highest Sales}}{100 \times 365} \right) \times \text{Missing Data Days}$$

where,

Highest

VOC Content = the maximum VOC content which the ACP product has contained in the previous five (5) years, if the responsible ACP party has failed to meet the requirements for reporting VOC Content data (for any portion of the compliance period), as specified in the ACP Agreement approving the ACP, or the current actual VOC Content, if the responsible ACP party has provided all required VOC Content data (for the entire compliance period), as specified in the ACP Agreement.

Highest Sales = the maximum one (1) year Gross District of Columbia Sales of the ACP product in the previous five (5) years, if the responsible ACP party has failed to meet the requirements for reporting Enforceable Sales records (for any portion of the compliance period), as specified in the ACP Agreement approving the ACP, or the current actual one (1) year Enforceable Sales for the product, if the responsible ACP party has provided all required Enforceable Sales records (for the entire compliance period), as specified in the ACP Agreement approving the ACP.

Missing Data Days = the number of days in a compliance period for which the responsible ACP party has failed to provide the required Enforceable Sales or VOC Content data as specified in the ACP Agreement approving an ACP.

1, 2, ..., N = each product in an ACP, up to the maximum N, for which the responsible ACP party has failed to submit the required Enforceable Sales or VOC Content data as specified in the ACP Agreement approving an ACP.

Traffic Marking Coating - a coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berets, driveways, parking lots, sidewalks, and airport runways.

Type A Propellant - a compressed gas such as CO₂, N₂, N₂O, or compressed air which is used as a propellant, and is either incorporated with the product or contained in a separate chamber within the product's packaging.

Undercoater - a coating labeled and formulated to provide a smooth surface for subsequent coatings.

Vapor cleaning machine - a solvent cleaning machine that boils liquid solvent, generating a vapor, or that heats liquid solvent that is used as part of the cleaning or drying cycle. This term does not include machines which do not have a solvent/air interface, such as airless and air-tight cleaning systems.

Vapor cleaning machine primary condenser - a series of circumferential cooling coils on a vapor cleaning machine through which a chilled substance is circulated or recirculated to provide continuous condensation of rising solvent vapors, and thereby, create a concentrated vapor zone.

Vapor up control switch - a thermostatically controlled switch that shuts off or prevents condensate from being sprayed when there is no vapor. On in-line vapor cleaning machines the switch also prevents the conveyor from operating when there is no vapor.

Varnish - a clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the fetal sheen or gloss of the finish.

Volatile Organic Compound (VOC) - any compound containing at least one atom of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, and excluding the following:

methane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
chlorodifluoromethane (HCFC-22);
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
trifluoromethane (HFC-23);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1,2-tetrafluoroethane (HFC-134a);
pentafluoroethane (HFC-125);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
cyclic, branched, or linear completely methylated siloxanes; and

the following classes of perfluorocarbons:

cyclic, branched, or linear, completely fluorinated alkanes;
cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, and
the following low-reactive organic compounds which have been exempted by the U.S. EPA:

acetone;
ethane;
methyl acetate;
parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene);
perchloroethylene (tetrachloroethylene).

VOC Content - the weight of VOC per volume of coating, calculated according to the procedures specified in subparagraph 722.5(e)(1).

Waterproofing Concrete/Masonry Sealer - a clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.

Waterproofing Sealer - a coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

Wood Preservative - a coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et. seq.) and with the (appropriate state or local

agency).

Working mode cover - any cover or solvent cleaning machine design that allows the cover to shield the cleaning machine openings from outside air disturbances while parts are being cleaned in the cleaning machine. A cover that is used during the working mode is opened only during parts entry and removal.